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Defendant.

## ORDER

Plaintiff requests leave to file an amended complaint, which will maintain the same set of facts and causes of actions against Defendant but will include additional allegations and an additional

<sup>1</sup> Pursuant to Local Rule 7-2(d), “The failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney’s fees, constitutes a consent to the granting of the motion.”

1 prayer for relief. The Court finds that justice requires granting Plaintiff's request because the leave to  
2 amend is sought in good faith, does not cause the opposing party undue delay or undue prejudice, and  
3 does not constitute an exercise in futility. Accordingly,

4 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Leave to File Amended Complaint  
5 (ECF No. 24) is **granted**.

6 **IT IS FURTHER ORDERED** that Plaintiff may file the amended complaint attached to his  
7 Motion for Leave to File Amended Complaint (ECF No. 24) as Exhibit 1.

8 **IT IS FURTHER ORDERED** that the Clerk of the Court shall strike Plaintiff's amended  
9 complaint (ECF No. 25), filed on October 29, 2017.

10 DATED this 17th day of November, 2017.

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13 GEORGE FOLEY, JR.  
14 United States Magistrate Judge  
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